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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,918	03/22/2004	Yu Zheng	PAT-1556	2471

7590 07/16/2007

Raymond Sun
12420 Woodhall Way
Tustin, CA 92782

EXAMINER	
HAWK, NOAH CHANDLER	

ART UNIT	PAPER NUMBER
3636	

MAIL DATE	DELIVERY MODE
07/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,918

Applicant(s)

ZHENG, YU

Examiner

Noah C. Hawk

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6, 8, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6, 8, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/23/07 has been entered.

Claim Rejections - 35 USC § 103

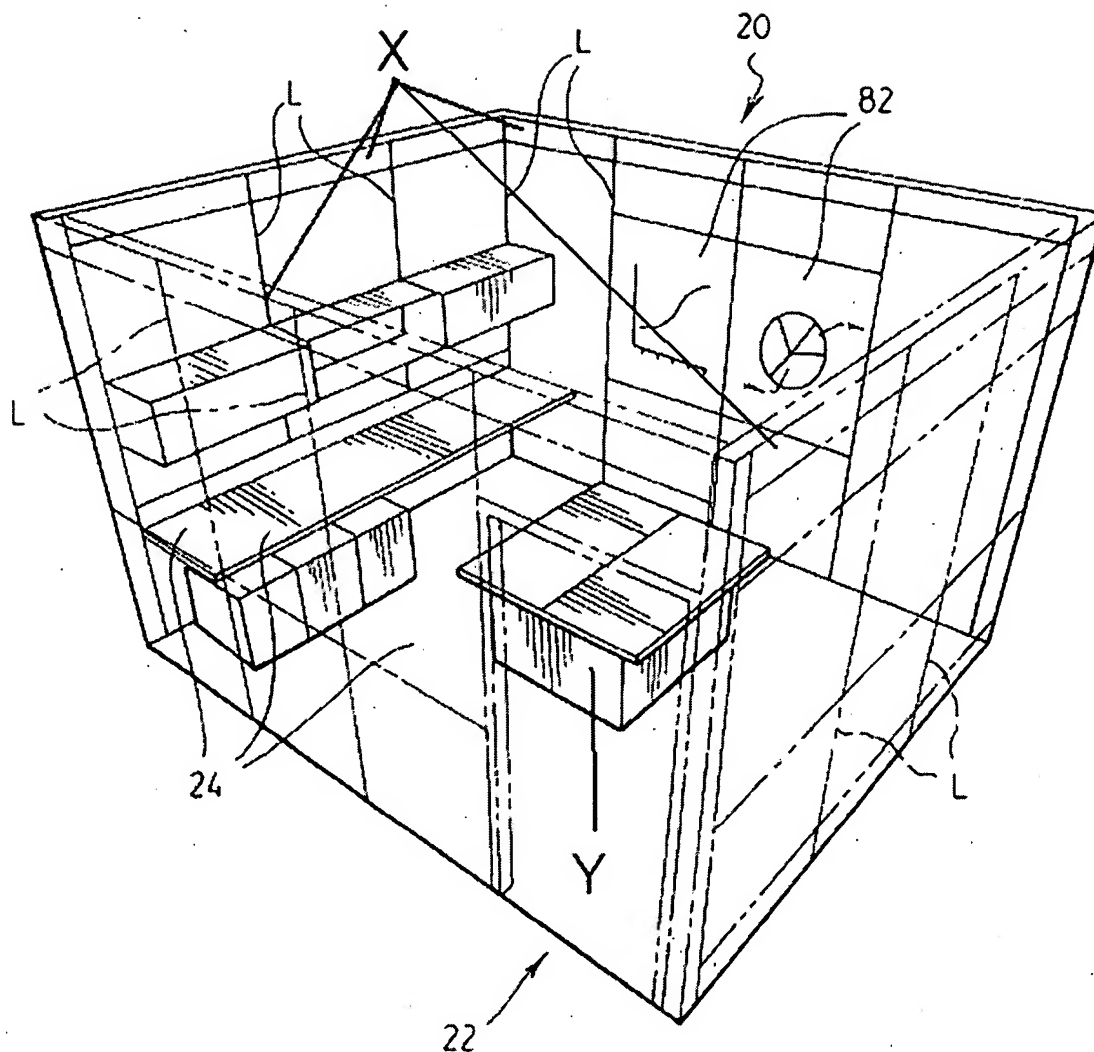
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu in US Patent 6782905 in view of Marangoni et al.

a. Regarding Claim 6, Chu teaches a combination comprising a first panel (56, best seen in figure 3A), a second panel (50), a third panel (54), and a fourth panel (52), the panels being defined by a foldable frame member (40a or 40b, best seen in Figure 1A) having a folded and unfolded orientation (best seen in Figures 4D through 4F), the frame members forming a plurality of concentric

frame members when they have been twisted and folded into the folded orientation (best seen in Chu, Figures 4D through 4F), and a sheet material (22) covering the respective frame member and further having a left and right side. Chu also teaches that the first and second panels are hingedly connected to each other, the third and fourth panels are hingedly connected to each other, the first and fourth panels are removably connected to each other, the second and third panels are removably connected to each other (Best seen in Figure 3C) and that the panels are oriented vertically (best seen in Figure 3A) to form a ring of panels and define an uninterrupted space (uninterrupted as there is nothing in the space within the ring of panels) therebetween. Chu fails to teach that the ring of panels is used around an item of furniture. Marangoni et al. teaches a ring of four vertically oriented panels (X) with an item of furniture (Y) positioned in the space therebetween and surrounded by the panels. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Chu by using the ring of panels to encircle a piece of furniture as taught by Marangoni et al. in order to "partition the interior space within a building" as Marangoni teaches.



Marangoni et al., Figure 1

- b. Regarding Claims 10 and 11, Chu, as modified, further teaches that the first and third panels have a first size and shape and that the second and fourth panels have a second size and shape. (Best seen in Chu, Figure 3A).

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4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chu, as modified, as applied to Claim 6 above and further in view of Zheng '761. Although Chu appears to teach a peripheral sleeve extending along the panels, the document is not explicit about the presence of such a sleeve. Zheng '761 discloses a set of panels each having a periphery, and further including a peripheral sleeve extending along the periphery of each panel for retaining the respective frame member (40, see Zheng '761, Column 3, lines 21-26). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Chu, as modified, by using panels having a periphery and a peripheral sleeve to retain the respective frame member in order to protect the frame member and prevent it from separating from the material of the panel.

Response to Arguments

5. Applicant's arguments filed 5/23/07 have been fully considered but they are not persuasive.

6. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Marangoni teaches that the partition system is used to partition the interior space of a building. A

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collapsible structure, as taught by Chu, could just as easily be used to partition the interior space of a building and would be more easily moved when not needed.

7. Regarding the applicant's first argument about the obviousness to combine: the Marangoni reference is specifically used to partition the interior space of a building. The panels defined therein do this by surrounding a piece of furniture. Please see above rejection. References to the object of "concealing" the furniture have been removed. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

8. Regarding the applicant's second and third arguments the obviousness to combine: Chu teaches the panel structure recited in Claim 6 including four panels attached to form a ring. The use of this ring to encircle a piece of furniture would only improve the Marangoni device by allowing the easy storage of the panels when not in use.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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7/6/07



DAVID DUNN
SUPERVISORY PATENT EXAMINER